

## REMARKS

This Amendment is fully responsive to the final Office Action dated January 28, 2008, issued in connection with the present application. Claims 1-42 are all the claims pending in the present application. By this Amendment, independent claims 1 and 22 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1-4, 6-19, 21-25 and 27-42 have been rejected under 35 USC 102(b) as being anticipated by Higashida et al. (U.S. Patent No. 6,862,401, hereafter “Higashida”).

The Applicants have amended independent claims 1 and 22 to help further distinguish the present invention over the cited prior art. The Applicants maintain that Higashida fails to disclose or suggest each and every element as recited in independent claims 1 and 22 (as amended). As amended, independent claim 1 recites (in relevant part) the following features:

A recording apparatus for recording to a recording medium AV..., comprising:

...a recording means for interleaving the recovery data with the AV data, and recording the interleaved recovery data and the AV on the recording medium during AV data recording.

(Emphasis added).

The features noted above in claim 1 are similarly recited in independent claim 22. Specifically, claim 22 is a recording method reciting interleaving and recording steps similar to the interleaving and recording features of the recording means of claim 1. The amendments to claims 1 and 22 are fully supported by the Applicants’ disclosure (see e.g., Fig. 2, Fig. 7 and pg. 5, lines 16-27).

As amended, claims 1 and 22 emphasize that the recovery data is interleaved with the AV data, and both the interleaved recovery data and the AV data are recorded on a recording medium during an AV data recording operation. Recording the interleaved recovery data and the AV data on a recording medium during an AV data recording operation allows quick and easy recovery of AV data and management information (included in the recovery data) if data is lost (e.g., due to a power loss). At least the following two features of claims 1 and 22 are not disclosed or suggested by the cited prior art: 1) interleaving the recovery data with the AV data; and 2)

recording the interleaved recovery data and the AV data on the same recording medium during AV data recording.

In the Office Action, the Examiner relied on Higashida for disclosing the interleaving and the recording of data during AV data recording (see e.g., col. 2, lines 35-43). However, the Applicants maintain that Higashida not only fails to disclose or suggest the features of claims 1 and 22 (as amended), but the reference actually teaches away from the claimed features.

Higashida at col. 2, lines 35-43 merely discloses a file restoration means that is able to restore management information using history data. For example, a recording/reproducing control means uses the recording history (i.e., history data) to identify an AV data file that has no recording end time added. This AV data file is assumed to be a file whose AV data was lost or destroyed. The recording/reproducing control means then uses the recording history to reproduce the lost or destroyed AV data. Therefore, Higashida fails to disclose or suggest interleaving the recovery data with the AV. Instead, Higashida merely discloses the use of history data to restore lost data.

Moreover, Higashida appears to teach away from recording interleaved recovery data and the AV data on the same recording medium during AV data recording. As described in Higashida, AV data is stored on a recording medium (see e.g., col. 6, lines 50-52), and the file management information (corresponding to the recovery data) is recorded separately after the recording of the AV data is complete (see e.g., col. 1, lines 30-32).

Moreover, Higashida discloses that recording file management information (i.e., recovery data) and the AV data together would incur very large overhead costs. Thus, Higashida teaches away from recording interleaved recovery data and AV data on the same recording medium during AV data recording.

Independent claims 1 and 22 (as amended) are not anticipated or rendered obvious by Higashida for at least the reasons noted above. Additionally, dependent claims 2-4, 6-19, 21, 23-25 and 27-42 are not anticipated or rendered obvious by Higashida based on their respective dependency on independent claims 1 and 22.

In the Office Action, claims 5, 20 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Higashida. However, claims 5 and 20 depend on independent claim 1;

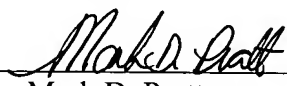
and claim 26 depends on independent claim 22. As noted above, Higashida fails to disclose or suggest all the features recited in independent claims 1 and 22 (as amended). Accordingly, claim 5, 20 and 26 are not anticipated or rendered obvious by Higashida based on their respective dependency on independent claims 1 and 22.

Based on the above discussion, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated January 28, 2008, and pass the present application to issue.

After reviewing this Amendment, if the Examiner feels there are any issues remaining which must be resolved before the present application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Shiro IWASAKI et al.

By:   
Mark D. Pratt  
Registration No. 45,794  
Attorney for Applicants

MDP(MSH)/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 28, 2008